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	Application No.	Applicant(s)
Notice of Allowability	09/427,149	WARD, RICHARD E.
	Examiner	Art Unit	
	Beth Van Doren	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *the after-final communications received 11/28/2005*.

2. ☒ The allowed claim(s) is/are *5-7,9,10,12-29,34-36,40,44-47,49,50,52,54-70,72-74,77,79,80,82,84,85,88,89 and 91-99*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None of the:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

       3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

       1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

DETAILED ACTION

1.   The following statement of reasons for allowance is in response to communications

received on 11/28/2005. Claims 5, 9, 12, 14, 15, 17, 18, 21, 22, 26, 34-36, 40, 44, 49, 52, 54, 55,

57-58, 61, 62, 64, 68, 72, 73, 77, 79, 80, 82, 84, 88, 91, and 93 have been amended. Claims 95-

99 have been added. Claims 3-4, 8, 11, 30, 32-33, 37-39, 41, 43, 48, 51, 53, 71, 75-76, 78, 81,

86-87, and 90 have been canceled. Claims 5-7, 9-10, 12-29, 34-36, 40, 44-47, 49-50, 52, 54-70,

72-74, 77, 79-80, 82, 84-85, 88-89, and 91-99 are now pending in this application and are

allowed.

Examiner's Amendment

2.   An examiner's amendment to the record appears below. Should the changes be

unacceptable to the applicant, an amendment may be filed as provided by 37 CFR 1.312. To

ensure consideration of such an amendment, it MUST be submitted no later than the payment of

the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with

Mr. David Jakopin on December 8, 2005. The application has been amended as follows:

In the claims:

In **all of claims 9, 14, 26, 40, and 96,** please amend as follows:

"creating the electronic workflow in addition to the service plan, which is adapted to

assist in providing each needed service, the step of creating the electronic workflow including

the step of using [each structured sentence] <u>certain ones of said structured sentences</u> for service

to create a workflow process instance for each needed service, wherein at least certain ones of

the workflow process instances include a plurality of tasks corresponding to steps for providing one of the services to the particular customer, which one service relates to the corresponding structured sentence for service".

In **claim 14**, please also amend as follows:

"creating the service plan, the service plan including a plurality of structured sentence for each of a plurality of specific needs of a particular customer in an electronic storage area, wherein some of the structured sentences have a subject and an attribute contained therein, wherein certain of the attributes associated with the structured sentences [for service] contain a selected attribute".

In **claims 49, 54, and 82**, please amend as follows:

"means for creating the electronic workflow, the electronic workflow being in addition to the service plan, and capable of assisting completion of each needed service, the means for creating including means for using [each structured sentence] certain ones of said structured sentences for service to create a workflow process instance for each needed service, wherein at least certain ones of the workflow process instances include a plurality of tasks corresponding to steps for providing one of the services to the particular customer, which one service relates to the corresponding structured sentence for service".

In **claims 77 and 79**, please amend as follows:

"creating the workflow in addition to the service plan using the generic workflow specification and the service plan, the workflow being adapted to assist completion of each needed service, wherein the step of creating the workflow includes the step of using [each structured sentence] <u>certain ones of said structured sentences</u> for service to create a workflow process instance for each needed service".

In **claim 96**, please also amend as follows:

Please indent element one, element one starting with "creating the service plan".

Also in element one, please remove the second comma after the phrase "wherein some of said plurality of structured sentences have a subject and an attribute contained therein, [,]".

Reasons for Allowance

3.   Claims 5-7, 9-10, 12-29, 34-36, 40, 44-47, 49-50, 52, 54-70, 72-74, 77, 79-80, 82, 84-85, 88-89, and 91-99 are allowed.

4.   The following is an examiner's statement of reasons for allowance: None of the prior art of record, taken individually or in any combination, teach, inter alia, the combination of elements recited in the pending claims (specifically, independent claims 9, 14, 26, 40, 49, 54, 77, 79, 62, and 96) and, further, none of the prior art of record provides any teaching, suggestion, or motivation for such a combination.

The prior art references most closely resembling the Applicant's claimed invention are Macrae et al. (U.S. 5,826,237), Brown et al. (U.S. 6,161,095), and Lancelot et al. (U.S. 6,434,531).

First, Macrae et al. discloses creating a service plan template for a patient made up of multiple nodes and elements. For example, an order node in the plan defines a subject of the order and specific activities and results that must be achieved when this node is encountered in the plan. This service plan and its nodes and elements are assigned and customized to a specific patient. After the service plan is created, the service plan is implemented and creates a workflow. Specifically, the workflow is created when a saved template is assigned to a specific patient and run. For example, when the order node sentence element is encountered in the flow, a technician or lab person must complete the order (creating an instance in the workflow) and enter results so the workflow can proceed. However, while Macrae et al. does teach service plans made up of nodes and elements and implementing these service plans in a workflow, Macrae et al. does not teach or suggest the combination of the elements claimed, including the service plan having structured sentences (some with a subject and an attribute), using these structured sentences to create workflow process instances, and:

With regards to claim 9 and 49, the customer electronically inputting answers to questions that change the sequence of workflow process instance invoked;

With regards to claim 14 and 54, executing the workflow process instance by invoking pre-existing query data items that contain metadata that maps response options and also cause workflow relevant data to be created or modified;

With regards to claim 26, while Macrae et al. discloses adding new plans for a specific need that continues to arise, Macrae et al. does not teach adding new structured sentences and associated workflow process instances for selected certain customers that need identified services to cause a revised workflow and service plan;

With regards to claim 40, displaying and dismissing alert messages, wherein the number of dismissed alert messages is aggregated to identify and cause revising of workflow process specifications with alert logic that caused dismissing a determined proportion of the time,

With regards to claim 77, creating and displaying a structured sentence corresponding to a specific need of a customer, wherein the structured sentence contains information obtained from the subject of a selected structured sentence data item and a selected attribute.

With regards to claim 79, 82, and 96, changing an attribute value associated with the structured sentence from a default value to a value selected from a displayed list.

Second, Brown discloses computer implemented patient care tools wherein data entered about the patient causes the tool to create a service plan (i.e. regimen) and enact this regimen in a workflow. A community of individuals (patients, medical professionals, pharmacists) interacts with the protocol of the tool to provide treatment regimens and modification to these regimens. However, while Brown discloses care plans and implementing care plans, Brown does not teach or suggest the combination of the elements claimed, including the care/service plan having structured sentences (some having a subject and an attribute), using these structured sentences to create workflow process instances, and:

With regards to claim 9 and 49, while Brown teaches modifying and changing the service plan and customer feedback input, Brown does not disclose the customer inputting answers to questions that change the sequence of the above workflow process instances;

With regards to claim 14 and 54, executing the workflow process instance by invoking pre-existing query data items that contain metadata that maps response options and also cause workflow relevant data to be created or modified;

With regards to claim 26, while Brown teaches modifying a protocol, Brown does not disclose adding new structured sentences and associated workflow process instances for selected certain customers that need identified services to cause a revised workflow and service plan;

With regards to claim 40, displaying and dismissing alert messages, wherein the number of dismissed alert messages is aggregated to identify and cause revising of workflow process specifications with alert logic that caused dismissing a determined proportion of the time,

With regards to claim 77, creating and displaying a structured sentence corresponding to a specific need of a customer, wherein the structured sentence contains information obtained from the subject of a selected structured sentence data item and a selected attribute.

With regards to claim 79, 82, and 96, changing an attribute value associated with the structured sentence from a default value to a value selected from a displayed list.

Next, Lancelot et al. discloses a system that manages patient service plans by storing clinical templates of predefined care paths and assigning these templates to patients. When the template is assigned to a patient, it is tailored to meet the requirements of that patient. Variances from this care path are tracked so that the templates may be modified. The interface of the system includes objects that are related in a hierarchical fashion, these objects contain a text field, a group of related objects, etc. and can display its contents in both abbreviated and verbose formats. Objects also include an expected outcome text string and data on common object

characteristics. However, while Lancelot et al. teaches service plans, objects, and templates and observing the templates for later modification, Lancelot et al. does not teach or suggest the combination of the elements claimed, including the care/service plan having structured sentences (some having a subject and an attribute), using these structured sentences to create workflow process instances, and:

With regards to claim 9 and 49, while Lancelot et al. teaches modifying and changing the service plan based upon observed variances, Lancelot et al. does not disclose the customer inputting answers to questions that change the sequence of the above workflow process instances;

With regards to claim 14 and 54, executing the workflow process instance by invoking pre-existing query data items that contain metadata that maps response options and also cause workflow relevant data to be created or modified;

With regards to claim 26, while Lancelot et al. teaches modifying a protocol, Lancelot et al. does not disclose adding new structured sentences and associated workflow process instances for selected certain customers that need identified services to cause a revised workflow and service plan;

With regards to claim 40, displaying and dismissing alert messages, wherein the number of dismissed alert messages is aggregated to identify and cause revising of workflow process specifications with alert logic that caused dismissing a determined proportion of the time,

With regards to claim 77, while Lancelot teaches tailoring a template to meet a specific need of a particular patient, Lancelot et al. does not disclose creating and displaying a structured

sentence for this specific need, wherein the structured sentence contains information obtained

from the subject of a selected structured sentence data item and a selected attribute.

With regards to claim 79, 82, and 96, changing an attribute value associated with the

structured sentence from a default value to a value selected from a displayed list.

5.   Any comments considered necessary by the Applicant must be submitted by no later than

the payment of the issue fee and, to avoid processing delays, should preferably accompany the

issue fee. Such submissions should be clearly labeled "Comments on Statements for Reasons for

Allowance".

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Clark et al. (WO 97/32271) discloses a patient system including predetermined rules

related to the use of the system.

Lancelot et al. (WO 98/50871) discloses using predefined care paths and templates to

manage patient care.

Rosenfeld et al. (U.S. 6,804,656) discloses a network for providing care to a patient using

a standardized set of guidelines and rules.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737.

The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bvd
December 8, 2005

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